

SECRETARY OF STATE[721]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary due to technical changes made to Iowa's election laws by 2009 Iowa Acts, House File 475, effective July 1, 2009. In addition, these amendments remove the text of various Iowa Code sections reprinted throughout the chapter and replace the Iowa Code section text with references to the controlling statute. These amendments also revise some special election date provisions due to 2008 Iowa Acts, House File 2620, Division II, effective January 1, 2009. Finally, these amendments remove the text of several forms that the Secretary of State has prescribed but is not required to adopt by rule to make the forms easier for the public to find and use via posting on the Secretary of State's Web site.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because several of the amendments to these rules are required due to changes in the law effective January 1 and July 1, 2009. The other amendments are technical in nature.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments be made effective upon filing. The normal effective date should be waived because 2009 Iowa Acts, House File 475, became effective July 1, 2009. These amendments confer a benefit upon the voting public by conforming the rules in Chapter 21 to 2009 Iowa Acts, House File 475.

These amendments are also published herein under Notice of Intended Action as **ARC 8046B** to allow for public comment.

These amendments are intended to implement Iowa Code chapters 39, 47, 49, and 53.

These amendments became effective July 27, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 21.1(6) as follows:

21.1(6) *Postponement of election.* An election, other than an election at which a federal office appears on the ballot, may be postponed until the following Tuesday. If the election involves more than one precinct, the postponement must include all precincts within the political subdivision. If the election is postponed, ballots shall not be reprinted to reflect the modification in the election date. The date of the close of voter ~~registration~~ preregistration by mail for the election shall not be extended. Precinct election registers prepared for the original election date may be used or reprinted at the commissioner's discretion.

On the day that the postponed election is actually held, all election day procedures must be repeated.

ITEM 2. Amend subrule 21.1(7) as follows:

21.1(7) *Absentee voting in postponed elections.* Absentee ballots shall be delivered to voters pursuant to Iowa Code section 53.22 until the date the election is actually held. Absentee ballots shall be accepted at the commissioner's office until the hour the polls close on the date the election is held. Absentee ballots which are postmarked no later than the day before the election is actually held shall be accepted if received no later than the time prescribed by the Iowa Code for the usual conduct of the election. The time shall be calculated from the date on which the election is held, not the date for which the election was originally scheduled. However, if absentee ballots have been tabulated before the election is postponed, the absentee ballots shall be sealed in an envelope by the absentee and special voters precinct board and stored securely until the date the election is actually held. The sealed envelopes shall be opened by the absentee and special voters precinct board on the date the election is actually held, counters on the tabulating equipment (if any) shall be reset to zero, and all absentee ballots tabulated on the original election date shall be retabulated.

ITEM 3. Amend subrule 21.1(8) as follows:

21.1(8) ~~Special Absentee and special voters precinct board in postponed elections.~~ The ~~special~~ absentee and special voters precinct board shall meet to consider special provisional ballots at the times specified in Iowa Code sections 50.22 and 52.23, calculated from the date the election is held. No absentee ballots shall be counted until the date the election is held.

ITEM 4. Amend subrule 21.1(9) as follows:

21.1(9) *Canvass of votes in postponed elections.* The canvass of votes shall also be rescheduled for one week following after the original originally scheduled canvass date.

ITEM 5. Amend subrule 21.1(10) as follows:

21.1(10) *Postponements made on election day.* If the emergency is declared while the polls are open and the decision is made to postpone the election, each precinct polling place in the political subdivision shall be notified to close its doors and to halt all voting immediately. People present in the polling place who are waiting to vote shall not be given ballots ~~or admitted to the voting machines, as appropriate.~~ People who have received and marked their ballots shall deposit them in the ballot box; unmarked ballots may be returned to the precinct election officials.

The precinct election officials shall seal all ballots which were cast before the declaration of the emergency in secure containers. The containers shall be clearly marked as ballots from the postponed election. If it is safe to do so, the ballot containers, election register, and other election supplies shall be transported to the commissioner's office. The ballots shall be stored in a secure place. If it is unsafe to travel to the commissioner's office, the chairperson of the precinct election board shall see that the ballots and the election register are securely stored until it is safe to return them to the commissioner. If no contest is pending six months after the canvass for the election is completed, the unopened, sealed ballot containers shall be destroyed.

If ~~voting machines or~~ automatic tabulating equipment is used, the ~~machines or~~ automatic tabulating equipment shall be closed and sealed without printing the results. Before the date the election is held, the ~~machines or~~ automatic tabulating equipment shall be reset to zero. ~~Any documents~~ Documents showing the progress of the count, ~~including paper records required by 2007 Iowa Acts, Senate File 369, section 7, subsection 2, if any,~~ shall be sealed in an envelope and stored. No one shall reveal the progress of the count. After six months, the sealed envelope containing the vote totals shall be destroyed if no contest is pending.

ITEM 6. Amend subrule 21.1(11), introductory paragraph, as follows:

21.1(11) *Records kept.* The state commissioner of elections shall maintain records of each emergency declaration. The records of emergency declarations for federal elections shall be kept for 22 months, and records for all other elections shall be kept for six months following the election. The records shall include the following information:

ITEM 7. Amend paragraph **21.1(12)“b”** as follows:

b. If a federal or state court order ~~or any other order~~ extends the time established for closing the polls pursuant to Iowa Code section 49.73, any person who votes after the statutory hour for closing the polls shall vote only by casting a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballots cast after the statutory hour for closing the polls shall be sealed in a separate envelope from provisional ballots cast during the statutory polling hours. The absentee and special voters precinct board shall tabulate and report the results of the two sets of provisional ballots separately.

ITEM 8. Rescind subrule **21.1(13).**

ITEM 9. Amend subrule 21.1(14) as follows:

~~**21.1(14)**~~ **21.1(13)** *Military emergencies.* A voter who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Iowa Code chapter 53, division II, “Absent Voting by Armed Forces,” may return an absentee ballot via electronic transmission only if the voter is located in an area designated by the U.S. Department of Defense to be an imminent danger pay area. ~~The list of imminent danger pay areas can be found at~~

www.defenselink.mil/comptroller/fmr/07a/07a-10.pdf. Procedures for the return of absentee ballots by electronic transmission are described in subrule 21.320(4).

ITEM 10. Amend subrule 21.1(15) as follows:

~~21.1(15)~~ **21.1(14) Election contest emergency.** If an election contest court finds that there were errors in the conduct of an election which make it impossible to determine the result of the election, the contest court shall notify the state commissioner of elections of its finding. The state commissioner shall order a ~~new~~ repeat election to be held. The repeat election date shall be set by the state commissioner. The repeat election shall be conducted under the state commissioner's supervision.

The repeat election shall be held at the earliest possible time, but it shall not be held earlier than 14 days after the date the election was set aside. Voter registration, publication, equipment testing and other applicable deadlines shall be calculated from the date of the repeat election.

The repeat election shall be conducted under the same procedures required for the election that was set aside, except that all known errors in preparation and procedure shall be corrected. The nominations from the initial election shall be used in the repeat election unless the contest court specifically rejects the initial nomination process in its findings. Precinct election officials for the repeat election may be replaced at the discretion of the auditor.

The following materials prepared for the original election shall be used or reconstructed for the repeat election:

Ballots (showing the date of repeat election). This may be stamped on ballots printed for the original election.

Notice of election (showing the date of repeat election).

ITEM 11. Amend rule 721—21.2(47) as follows:

721—21.2(47) ~~Fa~~Electronic submission of absentee ballot applications and affidavits of candidacy. ~~Certain documents~~ Absentee ballot applications and affidavits of candidacy may be submitted ~~via fa~~electronically using either fax or E-mail.

21.2(1) ~~Fa~~Electronic copies of absentee ballot applications and affidavits of candidacy accepted for filing. Assuming that all other legal requirements are met, ~~the following documents~~ absentee ballot applications and affidavits of candidacy required by Iowa Code chapters 43, 44, 45, 161A, 260C, 277, 376 and 420 may be submitted ~~by fa~~electronically by either fax or E-mail if presented to the appropriate filing officer as ~~fa~~an exact copy of the original and if the submission is in compliance with subrule 21.2(2) ~~is complied with.~~

~~a. — Affidavits of candidacy required by Iowa Code chapters 43, 44, 45, 161A, 260C, 277, 376, and 420.~~

~~b. — Applications for absentee ballots pursuant to Iowa Code chapter 53.~~

~~c. — Certificates of nomination by convention under Iowa Code chapters 43, 44 and 54.~~

~~d. — Judicial declarations of candidacy required under Iowa Code chapter 46.~~

~~e. — Lists of presidential electors required by Iowa Code chapters 43 and 54.~~

~~f. — Notices of intent to contest elections filed under Iowa Code chapters 61, 62 and 376.~~

~~g. — Objections to nomination papers filed under Iowa Code chapters 43, 44, and 277.~~

~~h. — Resignation notice by elected or appointed officials filed under Iowa Code section 69.4.~~

~~i. — Requests for recounts filed under Iowa Code chapters 43 and 50.~~

~~j. — Withdrawal notices by candidates filed under Iowa Code chapters 43, 44, 50.46 and 277.~~

~~k. — Abstracts of votes filed with the state commissioner of elections.~~

21.2(2) ~~Original documents~~ absentee ballot applications. The original ~~copy of documents~~ absentee ballot application submitted ~~by fa~~electronically shall also be ~~filed~~ mailed to the commissioner. The original shall be mailed to the appropriate commissioner. The envelope bearing the original ~~document~~ absentee ballot application shall be postmarked not later than the last day to file the document the Friday before the election. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

~~a. The filing shall be void~~ voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the original of a document absentee ballot application filed by facsimile machine electronically is not received within seven days after the filing deadline for the original document in the mail by the time the polls close on election day.

~~b. The filing shall be void~~ voter's absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark on the envelope containing the original document absentee ballot application is later than the filing deadline date the Friday before the election.

~~c. — If a filing is voided because the original of a document submitted by facsimile machine was postmarked too late or arrives too late, the person who filed the document shall be notified immediately in writing.~~

21.2(3) Documents not acceptable by facsimile. Only the original of the following documents will be accepted for filing:

~~a. — Absentee ballots and any affidavit required to accompany an absentee ballot under Iowa Code chapter 53. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 21.320(53).~~

~~b. — Nomination petitions filed under Iowa Code chapters 43, 45, 161A, 277, 280A, and 376.~~

21.2(3) Original affidavits of candidacy. The original copy of an affidavit of candidacy submitted electronically shall also be filed with the appropriate commissioner. The envelope bearing the original affidavit (if any) shall be postmarked not later than the last day to file the document.

~~a. The filing shall be void if the original affidavit of candidacy filed electronically is not received within seven days after the filing deadline for the original affidavit of candidacy.~~

~~b. The filing shall be void if the postmark on the envelope containing the original affidavit of candidacy is later than the filing deadline.~~

~~c. If an affidavit of candidacy filing is voided because the original affidavit of candidacy submitted by facsimile machine was postmarked too late or arrives too late, the person who filed the document shall be notified immediately in writing.~~

This rule implements is intended to implement Iowa Code sections 43.6, 43.11, 43.16, 43.19, 43.21, 43.23, 43.24, 43.54, 43.56, 43.60, 43.67, 43.76, 43.78, 43.80, 43.88, 43.115, 43.116, 44.3, 44.4, 44.9, 44.16, 45.3, 45.4, 46.20, 47.1, and 47.2; 50.30, 50.31, 50.32, 50.33, 50.46, 50.48, sections 53.2, 53.8, 53.11, 53.17, 53.21, 53.22, 53.25, and 53.40, as amended by 2009 Iowa Acts, House File 475; sections 53.45, 54.5, 61.3, 62.5, 69.4, 161A.5, 260C.15, and 277.4; 277.5, sections 260C.15 and 376.4, as amended by 2009 Iowa Acts, House File 475; 376.10, and sections 376.11; and 420.130.

ITEM 12. Amend rule 721—21.3(49,48A) as follows:

721—21.3(49,48A) Voter identification documents.

~~21.3(1) Optional identification.~~ A precinct election official may require identification from any person whom the official does not know.

~~21.3(2) Required identification.~~ Precinct election officials shall require identification under the following circumstances:

~~a. — From any person offering to vote whose name does not appear on the election register as an active voter.~~

~~b. — From any person whose name appears on the election register as an inactive voter.~~

~~c. — From any person offering to vote whose name is not on the election register and who wants to report a change of address from one precinct to another within the same county.~~

~~d. — From any person who applies to register to vote on election day pursuant to 2007 Iowa Acts, House File 653, section 2.~~

21.3(3) 21.3(1) Identification documents for persons other than election day registrants. Unless the person is registering to vote at the polls on election day, precinct election officials shall accept the following identification documents listed in Iowa Code section 48A.8 from any person who is asked or required to present ID: identification pursuant to Iowa Code section 49.77 as amended by 2009 Iowa Acts, House File 475.

~~a. — Current and valid photo identification card; or~~

~~b. — A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.~~

~~21.3(4)~~ **21.3(2)** *Identification for election day registrants.*

a. A person who applies to register to vote on election day shall provide proof of identity and residence pursuant to Iowa Code section 48A.7A in the precinct where the person is applying to register and vote.

~~(1) — Proof of identity must be a photo ID card that is current and valid and includes an expiration date. The following forms of identification are acceptable: an Iowa driver's license or nonoperator's ID, an out of state driver's license or nonoperator's ID, a United States passport, a United States military identification card, an identification card issued by an employer, or a student identification card issued by an Iowa high school or an Iowa postsecondary educational institution. If the photo ID does not show the person's address in the appropriate precinct, the person must show proof of residence.~~

~~(2) — Proof of residence may be any of the following documents provided that the document shows the person's name and address in the precinct: residential lease, property tax statement, utility bill, bank statement, paycheck, government check, or other government document.~~

b. No change.

~~21.3(5)~~ **21.3(3)** *Current and valid identification.*

a. “Current and valid” or “~~ID,~~” “identification,” for the purposes of this rule, means identification that meets the following criteria:

(1) The expiration date on the ~~ID~~ identification has not passed. An ~~ID~~ identification is still valid on the expiration date. An Iowa nonoperator's ~~ID~~ identification that shows “none” as the expiration date shall be considered current and valid.

(2) The ~~ID~~ identification has not been revoked or suspended.

b. A current and valid ~~ID~~ identification may include a former address.

~~21.3(6)~~ **21.3(4)** *~~ID~~ Identification not provided.* A person who has been requested to provide identification and does not provide it shall vote only by provisional ballot pursuant to Iowa Code section 49.81. However, a person who is registering to vote on election day pursuant to ~~2007 Iowa Acts, House File 653, section 2,~~ Iowa Code section 48A.7A may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct.

This rule is intended to implement Iowa Code section 48A.7A and section 49.77, ~~2007 Iowa Acts, House File 653, section 2,~~ as amended by 2009 Iowa Acts, House File 475, and P.L. 107-252, Section 303.

ITEM 13. Amend rule 721—21.4(49) as follows:

721—21.4(49) Changes of address at the polls. An Iowa voter who has moved from one precinct to another in the county where the person is registered to vote may report a change of address at the polls on election day.

21.4(1) To qualify to vote in the election being held that day, the voter shall:

a. Go to the polling place for the precinct where the voter lives on election day.

b. Complete a registration ~~by mail~~ form showing the person's current address in the precinct.

c. Present proof of identity as required by subrule ~~21.3(3)~~ 21.3(1).

21.4(2) The officials shall require a person who is reporting a change of address at the polls to cast a ~~special~~ provisional ballot if the person's registration in the county cannot be ~~verified~~ confirmed. Registration may be ~~verified~~ confirmed by:

a. Telephoning the office of the county commissioner of elections, or

b. ~~Consulting~~ Reviewing a printed list of all registered voters who are qualified to vote in the county for the election being held that day, or

c. ~~Consulting~~ Researching the county's voter registration records ~~by use of~~ using a computer.

21.4(3) In precincts where the voter's declaration of eligibility is included in the election register pursuant to rule 721—21.5(49) and Iowa Code section 49.77 ~~as amended by 2006 Iowa Acts, House File 2050, section 3,~~ the commissioner shall provide to each precinct one of the two following methods for recording changes of address:

a. The voter shall be ~~provided with a form that includes given both the an~~ eligibility declaration and ~~the a~~ voter registration form. ~~The instructions for the voter registration form shall be printed in large type on a separate sheet of paper and shall be provided to each person who completes a voter registration form at the polls. In lieu of signing in the election register, the voter who is reporting a change of address shall complete the required fields on both the eligibility declaration form and the registration form. The eligibility declaration may be printed on the same piece of paper as the voter registration form.~~

b. The commissioner shall provide blank lines on the election register for the precinct election officials to record the voter's name, address, and, if provided, telephone number, and, in primary elections, political party affiliation. The voter shall sign the election register next to the printed information. The voter shall also complete a voter registration form showing the voter's current address.

This rule is intended to implement Iowa Code section ~~49.77(3)~~ 49.77 as amended by 2009 Iowa Acts, House File 475.

ITEM 14. Amend rule 721—21.5(49) as follows:

721—21.5(49) Eligibility declarations in the election register. To compensate for the absence of a separate declaration of eligibility form, the commissioner shall provide to each precinct a voter roster with space for each person who appears at the precinct to vote to print the following information: first and last name, address, and, at the voter's option, telephone number, and, in primary elections, political party affiliation.

The roster forms shall include the name and date of the election and the name of the precinct, and may be provided on paper that makes carbonless copies. ~~If the a~~ multicopy form is used, the commissioner shall retain the original copy of the voter roster with other records of the election.

This rule is intended to implement Iowa Code section 49.77 ~~as amended by 2006 Iowa Acts, House File 2050, section 3.~~

ITEM 15. Amend subrule 21.7(2) as follows:

21.7(2) Precinct election officials shall verify that each person who attempts to attest to the identity and residence of a person who is registering to vote on election day is a registered voter in the precinct and has not attested for any other voter in the election. The officials shall note in the ~~“remarks” column of the~~ election register that the person has attested for an election day registrant.

ITEM 16. Rescind rule 721—21.8(48A) and adopt the following **new** rule in lieu thereof:

721—21.8(48A) Notice to election day registrant. The commissioner shall send to each person who registers to vote on election day, pursuant to Iowa Code section 48A.7A, an acknowledgment of the registration by nonforwardable mail. If the postal service returns the acknowledgment as undeliverable, the commissioner shall send a notice to the voter by forwardable mail. The notice shall be substantially in the form titled “Notice to Election Day Registrant” posted on the state commissioner's Web site.

This rule is intended to implement Iowa Code sections 48A.7A and 48A.26A.

ITEM 17. Rescind subrule 21.10(1) and adopt the following **new** subrule in lieu thereof:

21.10(1) Application form. The application shall be substantially in the form titled “Application for Political Party Status” posted on the state commissioner's Web site.

ITEM 18. Amend rule 721—21.25(50) as follows:

721—21.25(50) Administrative recounts. When the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, the commissioner may request an administrative recount after the day of the election but not later than three days after the canvass of votes. The request shall be made in writing to the board of supervisors explaining the nature of the problem and listing the precincts to be recounted and which offices and questions shall be included in the administrative recount. The board of supervisors shall respond as soon as possible after receipt of the commissioner's request.

The recount shall be conducted by members of the ~~special~~ absentee and special voters precinct board following the provisions of Iowa Code section 50.48 as amended by ~~2007 Iowa Acts, Senate File~~

~~369, section 3~~ 2009 Iowa Acts, House File 475, Iowa Code section 50.49 and 721—Chapter 26. ~~The recount board may use a computer program board which was not used in the election to compare with the suspected defective one.~~ The commissioner may use different memory cards for the recount and shall retain the information on the memory cards used in the election pursuant to 721—subrule 22.51(13). The commissioner may also use different election definition files if the commissioner believes the original election definition files were flawed. If the commissioner uses different election definition files for the recount, the commissioner shall also retain the election definition files for the election as required by 721—subrule 22.51(14).

~~If direct recording electronic voting machines were used in the election, the paper record required by 2007 Iowa Acts, Senate File 369, section 7, subsection 2, shall be used in the recount. However, if the commissioner believes or knows that the paper records produced from a machine have been compromised due to damage, mischief, malfunction, or other cause, the printed ballot images produced from the internal audit log for that machine shall be the official record used in the recount. In addition to the external paper record, the internal audit log required by 2007 Iowa Acts, Senate File 369, section 7, subsection 1, paragraph “k,” shall be available for use in the recount and shall be used if the paper record has been compromised.~~

This rule is intended to implement Iowa Code section 50.48 as amended by ~~2007 Iowa Acts, Senate File 369, section 3~~ 2009 Iowa Acts, House File 475, and Iowa Code section 50.49.

ITEM 19. Rescind subrule 21.50(4) and adopt the following **new** subrule in lieu thereof:

21.50(4) Standards for determining polling place accessibility. The survey form available on the state commissioner’s Web site titled “Polling Place Accessibility Survey” shall be used to evaluate polling places for accessibility to persons with disabilities.

The term “off-street parking” used in the polling place accessibility survey means parking places in lots separated from the street and includes angle parking along the street if the accessible route from the parking place to the polling place is entirely out of the path of traffic. Parking arrangements that require either the driver or passengers of the vehicle to go into the traveled part of the street are not accessible.

An access aisle at street level that is at least 60 inches wide and the same length as each accessible parking space shall be provided. An accessible public sidewalk curb ramp shall connect the access aisle to the continuous passage to the polling place. At least one parking place shall be van-accessible with a 96-inch access aisle connected to the continuous passage to the polling place by an accessible public sidewalk curb ramp. Two accessible parking spaces may share a common access aisle.

ITEM 20. Amend paragraph **21.50(6)“c”** as follows:

c. A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for this precinct (if any).

ITEM 21. Rescind subrule 21.50(7) and adopt the following **new** subrule in lieu thereof:

21.50(7) Application form. The form posted on the state commissioner’s Web site titled “Temporary Waiver of Accessibility Requirements” shall be used to apply for a temporary waiver of accessibility requirements.

ITEM 22. Amend rule 721—21.75(49) as follows:

721—21.75(49) Voting centers for certain elections. The commissioner may establish voting centers for the regular city election, city primary election, city runoff election, regular school election, and special elections.

21.75(1) No change.

21.75(2) Minimum requirements.

a. *Establishment.* One or more voting centers may be established in lieu of precinct polling places for the elections at which the use of voting centers is permitted. Regular polling place sites that are accessible to people with disabilities may be used as voting centers for any election at which the use of voting centers is permitted. Other suitable locations may also be used.

b. ~~*Choices.* Location of voting centers. Regular polling place sites that are accessible to people with disabilities may be used as voting centers for any election at which the use of voting centers is~~

permitted. Other suitable locations may also be used. If voting centers are established for an election, at least one voting center must be located within the boundaries of the political subdivision for which the election is being conducted. At the commissioner's discretion, additional vote centers may be established as long as the voting center is located within the boundaries of the political subdivision for which the election is being conducted.

c. No change.

21.75(3) Hours. Voting center hours shall be the same as permitted for an election pursuant to Iowa Code ~~Supplement~~ section 49.67 49.73. ~~Except for school elections, a voting center that serves a jurisdiction which includes both unincorporated territory and a city with a population in excess of 3500 shall open at 7 a.m.~~

21.75(4) No change.

21.75(5) Posting notices at regular polling places on election day. If voting centers are established in lieu of regular polling places for an election, the commissioner shall post a notice of voting center locations, not later than the hour at which the polls open on the day of the election, on each door to the usual polling place in the precinct. The notice shall remain posted until the polls have closed.

~~21.75(5)~~ **21.75(6) I-Voters use prohibited.** The commissioner shall not provide direct access from voting centers to the I-Voters system on election day.

21.75(7) Determining ballot rotations. For the purposes of determining ballot rotations pursuant to Iowa Code section 49.31 in an election for which the commissioner has established voting centers, the commissioner may use either precincts established pursuant to Iowa Code sections 49.3 to 49.5 or consolidated precincts established pursuant to Iowa Code section 49.11, subsection 3, paragraph "a." If the commissioner uses consolidated precincts established pursuant to Iowa Code section 49.11, subsection 3, paragraph "a," the commissioner shall use the same consolidated precincts used in the last regularly scheduled election conducted for the political subdivision in which voting centers were not used.

~~21.75(6)~~ **21.75(8) Operation of voting centers.**

a. *Election registers and voter lists.* Each voting center shall have ~~a list~~ an election register containing the names, addresses and voter statuses of all registered voters who are eligible to vote in that election. ~~The voter list election register~~ may be a paper list or may be available on computers in an electronic format, rather than as an interactive connection to I-Voters.

b. No change.

c. *Voters reporting address changes at voting centers.* Any person who is already registered in the county and updates the person's voter registration address at a voting center shall show identification listed in Iowa Code section 48A.8. Persons unable to provide requested identification shall be offered a provisional ballot pursuant to Iowa Code section 49.81.

~~e. d.~~ *Ballots.* Each voting center shall have all ballot styles necessary to provide a ballot to any voter who is eligible to vote in the election for the jurisdiction served by the voting center.

~~d. e.~~ *Precinct election officials.* Voting centers shall be administered by a minimum of ~~five~~ three precinct election officials selected pursuant to Iowa Code sections 49.12 to 49.16. These officials shall be trained before each election and shall have specific instructions regarding the differences between voting centers and polling places.

f. *Ballot boxes used with optical scan voting equipment at voting centers.* The commissioner may instruct two precinct election officials not of the same political party to open the ballot box periodically throughout election day to ensure the ballots are stacking evenly in the ballot box to prevent a voting equipment malfunction. The precinct election officials charged with inspecting the ballot box shall ensure the ballot box is locked and secured at all times. As an alternative to this procedure, the commissioner may supply any voting center with additional ballot boxes and the precinct election officials may move the optical scan voting equipment to a new ballot box if necessary. All ballot boxes containing voted ballots shall be locked and secured by the precinct election officials at all times.

~~21.75(7)~~ **21.75(9) Postelection review of voter participation.**

a. Within ~~30~~ 45 days after the election, the commissioner shall review the signed declarations of eligibility or the signed election registers from each voting center, and if any person is found to have

voted in more than one voting center in the election, the commissioner shall immediately notify the county attorney.

b. The notice to the county attorney shall include a copy of the person's voter registration record and copies of the declarations of eligibility signed by the voter. The notice shall also include a reference to 2008 Iowa Acts, House File 2620, section 23(1A) "~~*d.*~~" which reads as follows: "~~*d.*~~ Pursuant to section 39A.2, subsection 1, paragraph "b", subparagraph (3), a person commits the crime of election misconduct in the first degree if the person knowingly votes or attempts to vote at more than one voting center for the same election." The notice shall also include a reference to Iowa Code sections 39A.2(2); and 49.11(3) "*b.*" which reads as follows: "2. Election misconduct in the first degree is a class 'D' felony."

This rule is intended to implement 2008 Iowa Acts, House File 2620, division II Iowa Code sections 49.9 and 49.11.

ITEM 23. Amend subrule 21.200(2) as follows:

21.200(2) The order of placement on the ballot for each local public measure to be voted upon at a single election shall be determined by the commissioner, and a letter shall be assigned to each local public measure by the commissioner.

~~*a.* — The letter assigned by the commissioner to each local public measure to appear on a ballot for a single election shall be printed on the ballot immediately preceding and above the words "Shall the following public measure be adopted?"~~

~~*b.*~~ *a.* The letter assigned by the commissioner shall be printed on the ballot at least 1/8 of an inch high in the designated place.

~~*c.*~~ *b.* Even if only one public measure is to appear on a ballot to be voted upon at a single election, an identifying letter shall be assigned by the commissioner and shall be printed on the ballot in the prescribed manner.

ITEM 24. Rescind rule 721—21.300(53) and adopt the following **new** rule in lieu thereof:

721—21.300(53) Satellite absentee voting stations.

21.300(1) *Establishment of stations.* Satellite absentee voting stations may be established by the county commissioner of elections or by a petition of eligible electors of the jurisdiction conducting the election.

a. Satellite absentee voting stations established by the county commissioner. The county commissioner of elections may designate locations in the county for satellite absentee voting stations. Satellite absentee voting stations established by the commissioner shall be accessible to elderly and disabled voters. Satellite absentee voting stations must also be established so as to provide for voting in secret and ballot security.

b. Satellite absentee voting stations established after receipt of a valid petition. A petition requesting a satellite absentee voting station shall be substantially in the form titled "Petition Requesting Satellite Absentee Voting Station" available on the state commissioner's Web site. If the commissioner receives a petition requesting a satellite absentee voting station on or before the petition deadline set forth in Iowa Code section 53.11, the commissioner shall determine the validity of the petition within 24 hours. A petition requesting a satellite absentee voting station is valid if it contains signatures of not less than 100 eligible electors of the jurisdiction conducting the election. Electors signing the petition must include their signature, house number, street, and date the petition was signed. Signatures on lines not containing all of the required information shall not be counted. The heading on each page of the petition shall include the satellite location requested and the election name or date for which the location is requested. Signatures on petition pages without the required heading shall not be counted.

c. Mandatory rejection of certain satellite absentee voting stations. Otherwise valid petitions for satellite absentee voting stations shall be rejected within four days of the commissioner's receipt of the petition if:

- (1) The site requested is not accessible to elderly and disabled voters,
- (2) The site requested has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting, or

(3) The owner of the site refuses permission to locate the satellite absentee voting station at the site requested on the petition.

d. Discretionary rejection of certain satellite absentee voting stations. Otherwise valid petitions for satellite absentee voting stations may be rejected within four days of the commissioner's receipt of the petition if:

(1) A petition is received requesting satellite voting for a city runoff election and a special election is scheduled to be held between the regular city election and a city runoff election.

(2) The owner of the site demands payment for its use.

e. Provision of ballots. Only ballots from the county in which the site is located may be provided at the satellite absentee voting station. Ballots must be provided for the precinct in which the satellite absentee voting station is located; however, it is not necessary to provide ballots from all of the precincts in the political subdivision for which the election is being conducted.

21.300(2) Notice provided. Notice shall be published at least seven days before the opening of any satellite absentee voting station. If more than one satellite absentee voting station will be provided, a single publication may be used to notify the public of their availability. If it is not possible to publish the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be published as soon as possible.

A notice shall also be posted at each satellite absentee voting station at least seven days before the opening of the satellite absentee voting station. The notice shall remain posted as long as the satellite absentee voting station is scheduled for service. If it is not possible to post the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be posted as soon as possible.

Both the published and posted notices shall include the following information:

a. The name and date of the election for which ballots will be available.

b. The location(s) of the satellite absentee voting station(s).

c. The dates and times that the station(s) will be open.

d. The precincts for which ballots will be available.

e. An announcement that voter registration forms will be available for new registrations in the county and that changes in the registration records of people who are currently registered within the county may be made at any time.

If the satellite absentee voting station is located in a building with more than one public entrance, brief notices of the location of the satellite absentee voting station shall be posted on building directories, bulletin boards, or doors. These notices shall be posted no later than the time the station opens and shall be removed immediately after the satellite absentee voting station has ceased operation for an election.

21.300(3) Staff. Satellite absentee voting station workers may be selected from among the staff members of the commissioner's office, from the election board panel drawn up pursuant to Iowa Code sections 49.15 and 49.16, or a combination of these two sources. Compensation of workers selected from the election board panel shall be at the rate provided in Iowa Code section 49.20.

At least three people shall be assigned to work at each satellite absentee voting station; more workers may be added at the commissioner's discretion. All workers must be registered voters of the county, and for primary and general elections the workers must be registered with a political party; however, workers not affiliated with any party may be assigned to work at a satellite absentee voting station as long as not more than one-third of the workers assigned to a particular satellite absentee voting station are not affiliated with a political party. For all elections, no more than a simple majority of the workers shall be members of the same political party.

People who are prohibited from working at the polls pursuant to Iowa Code section 49.16 may not work at satellite absentee voting stations.

21.300(4) Oath required. Before the first day of service at a satellite absentee voting station, each worker shall take an oath substantially in the form titled "Election Official/Clerk Oath" available on the state commissioner's Web site. The oath must be taken before each election.

21.300(5) Suggested supplies for each satellite absentee voting station. A list of supplies suggested for each satellite absentee voting station is available on the state commissioner's Web site.

21.300(6) *Ballot transport and storage.* At the commissioner's discretion the ballots may be transported between the commissioner's office and the satellite absentee voting station by the workers who will be on duty that day, or by two people of different political parties who have been designated as couriers by the commissioner. It is not necessary for the same people to transport the ballots in both directions.

If the ballots are transported by the satellite absentee voting station workers, two workers who are members of different political parties and the ballots must travel together in the same vehicle.

Ballots may be stored at the satellite absentee voting station during hours when the station is closed only if they are kept in a locked cabinet or container. The cabinet must be located in a room which is kept locked when not in use. Voted absentee ballots must be delivered to the commissioner's office at least once each week.

21.300(7) *Ballot receipts.* Satellite absentee voting station workers shall sign receipts for the ballots taken to the satellite absentee voting site. The receipt shall be substantially in the form titled "Satellite Absentee Voting Station Ballot Record and Receipt" available on the state commissioner's Web site. A copy of the ballot record and receipt shall be retained in the commissioner's office. The original shall be sent with the ballots to the satellite absentee voting station.

21.300(8) *Arrangement of the satellite absentee voting station.* Protection of the security of the ballots (both voted and unvoted) and the secrecy of each person's vote shall be considered in the arranging of the satellite absentee voting station.

a. Security. The satellite absentee voting station shall be arranged so that ballots are protected against removal from the station by unauthorized persons.

b. Voting area. Voting booths without curtains shall be placed so that passersby and other voters may not walk directly behind a person using the booth. At least one voting booth must be accessible to the disabled. The booth must be designed to accommodate a person seated in a chair or wheelchair. A chair must be provided for voters who wish to sit down while voting or waiting in line.

c. Campaign signs and electioneering. No signs supporting or opposing any candidate or question on the ballot shall be posted on the premises of or within 300 feet of any outside door of any building affording access to a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station. No electioneering shall be allowed within the sight or hearing of voters while they are at the satellite absentee voting station.

21.300(9) *Operation of the satellite absentee voting station.* At all times the satellite absentee voting station shall have at least two workers present to preserve the security of the ballots, both voted and unvoted.

21.300(10) *Voter registration at the satellite absentee voting station.* Each satellite absentee voting station shall provide forms necessary to register voters, including the oaths necessary to process voters registering pursuant to Iowa Code section 48A.7A, and to record changes in voter registration records. Workers shall also be provided with a method of verifying whether people applying for absentee ballots are registered voters.

The commissioner may provide a list of registered voters in the precincts served by the station. The list may be on paper or contained in a computerized data file.

As an alternative, the commissioner may provide a computer connection with the commissioner's office. Satellite absentee voting stations shall not be directly connected to the I-Voters statewide voter registration database.

21.300(11) *Procedure for issuing absentee ballot.* The instructions for absentee voting are available on the state commissioner's Web site and shall be provided to satellite absentee voting station workers unless the commissioner prepares instructions containing substantially the same information as the instructions available on the state commissioner's Web site.

21.300(12) *Closing a station.* The instructions for closing a satellite absentee voting station are available on the state commissioner's Web site and shall be provided to satellite absentee voting station workers unless the commissioner prepares instructions containing substantially the same information as the instructions available on the state commissioner's Web site.

This rule is intended to implement Iowa Code section 53.11.

ITEM 25. Amend rule 721—21.301(53) as follows:

721—21.301(53) Absentee ballot requests from voters whose registration records are “inactive.”

21.301(1) *In person.* Absentee voters whose registration records are “inactive” and who appear in person to vote, either at the office of the commissioner or at a satellite absentee voting station, shall be ~~required to provide identification before voting~~ assigned a status of “active” after requesting an absentee ballot. ~~The voter may present any of the identification documents prescribed in subrule 21.3(3). If the voter does not have appropriate identification documents, the official or staff person receiving the application shall challenge the ballot and notify the voter that the voter must provide a copy of the appropriate form of identification not later than the date upon which the absentee and special precinct board will meet to review provisional ballots after election day pursuant to Iowa Code section 50.21.~~

21.301(2) *By mail.* When a request for an absentee ballot is received by mail from a voter whose registration record has been made “inactive” pursuant to Iowa Code section 48A.29, the commissioner shall ~~respond to the request.~~ update the voter’s residential address to the address listed on the absentee ballot request if requested by the voter and assign the voter a status of “active.”

a. —Form. The commissioner shall send a voter registration form and the following notice:

Notice to the Voter:

~~Your request for an absentee ballot has been received and processed. However, our records show that your voter registration is not currently active. To restore your registration, please complete the enclosed voter registration form and return it to:~~

~~County Auditor~~

~~(Address)~~

~~Return the registration form separately. Do not enclose it with your absentee ballot.~~

~~This registration form must be received in my office no later than (the time the polls close) on (election day), or be postmarked no later than (the day before election day).~~

b. —Instructions to commissioner. ~~If the registration form is received by the deadline for receipt of absentee ballots as prescribed in Iowa Code section 53.17, and all other legal requirements are met, the ballot shall be counted. If the return carrier envelope is received before the registration form, the envelope shall not be opened but shall be held until the deadline for receipt of absentee ballots. If the registration form has not been received by the deadline, the officials of the absentee and special voters precinct board shall open the return carrier envelope. If the registration form is enclosed, and all other legal requirements are met, the ballots shall be counted. However, if the registration form is not enclosed in the return carrier envelope, the affidavit envelope containing the ballot shall not be opened.~~

21.301(3) *Absentee ballots received from a voter subsequently assigned “inactive” status.* The commissioner shall set aside the absentee ballot of a voter whose status is changed to “inactive” pursuant to Iowa Code section 48A.26, subsection 6, after the voter has submitted the voter’s ballot. The commissioner shall notify the voter, pursuant to Iowa Code section 53.31, informing the voter that the absentee ballot may be counted if the voter personally delivers or mails a copy of the voter’s identification as set forth in Iowa Code section 48A.8 to the commissioner’s office before the absentee and special voters precinct board convenes to count absentee ballots, or reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22. If the commissioner does not receive a copy of the voter’s identification before the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the absentee and special voters precinct board shall reject the absentee ballot.

This rule is intended to implement Iowa Code sections 48A.29 and 53.2 section 48A.29 and sections 48A.26, 48A.37 and 53.25 as amended by 2009 Iowa Acts, House File 475.

ITEM 26. Amend rule 721—21.302(48A) as follows:

721—21.302(48A) In-person absentee registration. After the close of voter registration for an election, a person who appears in person to apply for and vote an absentee ballot may register to vote if the person provides proof of identity and residence in the precinct in which the voter intends to vote using identification that meets the requirements set forth in Iowa Code section 48A.7A. The voter must

also complete an oath of person registering on election day. If the voter does not have appropriate identification, the voter may establish identity and residence using the attestation procedure in Iowa Code section 48A.7A, subsection 1, paragraph “c.” Otherwise, the person may cast only a provisional ballot pursuant to Iowa Code section 49.81. Provisional ballot envelopes shall be used.

~~21.302(1) Proof of identity must be a photo ID card that is current and valid and includes an expiration date. An ID is still current on the date it expires. An Iowa nonoperator’s ID card that shows “none” as an expiration date is considered current and valid. The following forms of identification are acceptable: an Iowa driver’s license or nonoperator’s ID, an out-of-state driver’s license or nonoperator’s ID, a United States passport, a United States military identification card, an identification card issued by an employer, or a student identification card issued by an Iowa high school or an Iowa postsecondary educational institution. If the photo ID does not show the person’s address in the appropriate precinct, the person must show proof of residence.~~

~~21.302(2) Proof of residence may be any of the following documents provided that the document shows the person’s name and address in the precinct: residential lease, property tax statement, utility bill, bank statement, paycheck, government check, or other government document.~~

~~21.302(3) A voter who does not have appropriate identification documents may have another registered voter from the same precinct attest to the person’s identity and residence. An attester must be a registered voter and must live in the same precinct as the applicant. A person may not attest to the identity and residence of another voter for an election if the person registered to vote under the provisions of 2007 Iowa Acts, House File 653, section 2, for the same election and the person’s identity and residence were established by the attestation of another registered voter. The attester shall not attest to the identity of more than one person. The commissioner shall keep a list of all persons who have attested for in-person absentee registrants and send the list to the polling place on election day with the list of absentee voters required by Iowa Code section 49.72.~~

This rule is intended to implement ~~2007 Iowa Acts, House File 653~~ Iowa Code section 48A.7A.

ITEM 27. Amend rule 721—21.303(53) as follows:

721—21.303(53) Mailing absentee ballots. The commissioner shall mail the following materials to each person who has requested an absentee ballot:

1. to 3. No change.
4. Affidavit envelope. The affidavit envelope, which shall be marked with the ~~serial~~ I-Voters-assigned sequence number used to identify the absentee request in the commissioner’s records.
5. No change.
6. Delivery envelope. The delivery envelope, which shall be addressed to the voter and bear the ~~serial~~ I-Voters-assigned sequence number used to identify the absentee request in the commissioner’s records. All other materials shall be enclosed in the delivery envelope.
7. and 8. No change.

This rule is intended to implement Iowa Code ~~section sections~~ sections 53.8 as amended by 2007 Iowa Acts, Senate File 601, section 223, and Iowa Code section 53.17 as amended by 2007 Iowa Acts, Senate File 601, section 227 2009 Iowa Acts, House File 475.

ITEM 28. Adopt the following new rule 721—21.304(53):

721—21.304(53) Absentee ballot requests from voters whose registration records are “pending.” A voter who requests an absentee ballot and is assigned a status of “pending” must provide identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475.

21.304(1) In-person applicants. In-person applicants for absentee ballots assigned a status of “pending” must show identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, before casting a ballot. If an in-person applicant provides identification as required by Iowa Code section 48A.8 when casting an absentee ballot in person, the commissioner shall assign the voter’s registration record a status of “active” and provide the voter with an absentee ballot.

Voters who are unable to provide identification as required by Iowa Code section 48A.8 shall be offered a provisional ballot pursuant to Iowa Code section 49.81.

21.304(2) *By-mail applicants.* By-mail applicants for absentee ballots assigned a status of “pending” must either come to the commissioner’s office and show identification pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, or mail a photocopy of identification pursuant to Iowa Code section 48A.8 before the voter’s absentee ballot can be counted by the absentee and special voters precinct board. The commissioner shall mail the voter a notice informing the voter of the requirement to provide one of the identification documents listed in Iowa Code section 48A.8 before the voter’s absentee ballot can be considered for counting by the absentee and special voters precinct board. If a by-mail applicant provides identification as required by Iowa Code section 48A.8, the commissioner shall assign the voter’s registration record a status of “active.”

21.304(3) *By-mail absentee voters assigned a status of “pending” who do not provide identification prior to election day.* The ballot of a by-mail absentee voter assigned a status of “pending” who has not shown identification in person at the commissioner’s office or provided a photocopy of identification by mail pursuant to Iowa Code section 48A.8 as amended by 2009 Iowa Acts, House File 475, shall be challenged by a member of the absentee and special voters precinct board on election day pursuant to Iowa Code section 53.31. The absentee and special voters precinct board shall immediately mail notice of the challenge to the voter. The notice shall include the deadline for the voter to provide identification pursuant to Iowa Code section 48A.8. If the voter provides identification pursuant to Iowa Code section 48A.8 prior to the time the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the voter’s ballot shall be considered for counting by the absentee and special voters precinct board. If the voter does not provide identification pursuant to Iowa Code section 48A.8 prior to the time the absentee and special voters precinct board reconvenes to consider challenged absentee ballots pursuant to Iowa Code section 50.22, the voter’s absentee ballot shall be rejected by the absentee and special voters precinct board. The voter shall be notified of the reason for rejection pursuant to Iowa Code section 53.25 as amended by 2009 Iowa Acts, House File 475.

This rule is intended to implement Iowa Code section 53.31 and sections 48A.8 and 53.25 as amended by 2009 Iowa Acts, House File 475.

ITEM 29. Amend paragraphs **21.320(2)“c,” “f” and “g”** as follows:

c. *Methods for transmitting absentee ballot requests.* UOCAVA voters may transmit absentee ballot requests by any of the following methods:

(1) to (3) No change.

(4) Scanned application form or letter transmitted by E-mail. Requests by E-mail that do not include either an image of the physical signature or a digital signature shall not be accepted.

f. *Subsequent request after ballot has been sent.* Not more than one ballot shall be transmitted by the commissioner to any UOCAVA voter for a particular election unless, after the ballot has been mailed or transmitted electronically pursuant to rule 721—21.320(53), the voter reports a change in the address, E-mail address or fax number to which the ballot should be sent. The commissioner shall void the original absentee ballot request and include a comment in the voter’s registration record, noting the ~~serial~~ I-Voters-sequence number of the original ballot and noting that a replacement ballot was sent to an updated address. ~~The original ballot shall be counted~~ If the original ballot is returned voted, it shall be counted only if the replacement ballot does not arrive before the deadline for receiving absentee ballots set forth in Iowa Code section 53.17.

g. *Requests for absentee ballots for a period of two general elections.* Iowa Code ~~Supplement~~ section 53.40 as amended by 2009 Iowa Acts, House File 475, permits UOCAVA voters to request the commissioner to send absentee ballots for all elections as permitted by state law. In response to an absentee ballot request in which the UOCAVA voter specifies that the voter wants to receive ballots for all elections, the commissioner shall send the applicant a ballot for each election held after the application is received and through the next two general elections. If the voter does not specify that the voter wants

to receive ballots for all elections, the commissioner shall send the applicant a ballot only for federal elections through the next two general elections.

~~(1) When an absentee ballot for a UOCAVA voter who has requested absentee ballots for all elections through the next two general elections is returned as undeliverable by the United States Postal Service or an E-mail server or a fax cannot be transmitted to the number provided by the voter, the commissioner shall contact the Federal Voting Assistance Program (FVAP) to determine whether the voter has a forwarding address on file with that office. If so, the commissioner shall contact the voter by the best means available to notify the voter that the voter must provide the commissioner with a new address if the voter wishes to continue to receive absentee ballots until the end of the period for which the voter has requested ballots. do the following:~~

1. Verify that the commissioner's office sent the absentee ballot to the address, E-mail address or fax number requested by the UOCAVA voter. If the absentee ballot was sent incorrectly, the commissioner shall correct the error and immediately transmit a new absentee ballot.

2. If the absentee ballot was sent to the correct mailing address, E-mail address or fax number, the commissioner shall E-mail the voter if the commissioner has an E-mail address on file to inform the voter that the voter's ballot was returned undeliverable, and the commissioner must be provided with a new FPCA containing a new mailing address if the voter wishes to continue to receive absentee ballots.

3. If the absentee ballot was sent to the correct mailing address, E-mail address or fax number, the commissioner shall also attempt to contact the voter by sending a forwardable notice to both the voter's residential address and the voter's absentee mailing address informing the voter that the voter's ballot was returned undeliverable, and the commissioner must be provided with a new FPCA containing a new mailing address, E-mail address or fax number if the voter wishes to continue to receive absentee ballots.

4. If the absentee ballot was mailed, E-mailed or sent to the correct address or fax number, the commissioner shall terminate the voter's current FPCA request and shall not send the voter any further ballots unless a new absentee ballot request is received from the voter.

~~(2) The commissioner shall also send a written notice to the voter's residence address by forwardable mail. The notice shall advise the voter that the voter must provide the commissioner with a new address if the voter wishes to continue to receive absentee ballots until the end of the period for which the voter has requested ballots.~~

~~(3)~~ (2) If the voter provides a new FPCA with a new mailing address, E-mail address or fax number before election day, the commissioner shall enter the revised information in a new absentee request on the voter's registration record and transmit the ballot via the method requested by the voter. The voter may request that the commissioner transmit the ballot electronically pursuant to subrule 21.320(3).

~~(4) If the voter does not respond to either request for additional information within 30 days, the commissioner shall cancel the absentee ballot request and notify the voter.~~

ITEM 30. Amend paragraph **21.320(3)"a"** as follows:

a. Electronic transmission of absentee ballots by facsimile machine or by E-mail is limited to UOCAVA voters who specifically ask for this service. A UOCAVA voter who asks for electronic transmission of an absentee ballot may request this service for all elections for which the person is qualified to vote or for specific elections either individually or for a specific period of time. The commissioner ~~shall~~ may employ FVAP's secure transmission program to facilitate electronic transmission of absentee ballots to UOCAVA voters.

ITEM 31. Amend paragraph **21.320(4)"a"** as follows:

a. Electronic transmission of a voted absentee ballot from the voter to the commissioner is permitted only for UOCAVA voters who are in an area designated as an imminent danger pay area, as provided in subrule ~~21.1(14)~~ 21.1(13). ~~The~~ In addition, the absentee ballot may be returned via electronic transmission only if the voter waives the right to a secret ballot. In addition to signing the affidavit required by Iowa Code section 53.13, the voter shall sign a statement in substantially the following form: "I understand that by returning this ballot by electronic transmission my voted ballot will not be secret. I hereby waive my right to a secret ballot."

ITEM 32. Amend rule 721—21.320(53), implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 53.40 and 53.46 and ~~Iowa Code Supplement section 53.40.~~

ITEM 33. Amend subrule 21.352(3) as follows:

21.352(3) Instructions. Each reviewer shall receive instructions in substantially the form ~~prescribed~~ prepared by the state commissioner of elections. The instructions shall provide basic security and procedural guidance and include a method for accounting for all returned absentee ballots. The prohibitions shall include:

- a. ~~Not to leave~~ Leaving unsecured ballots unattended.
- b. ~~Not to alter~~ Altering any information on any affidavit.
- c. ~~Not to add~~ Adding any information to any affidavit, except as specifically required to comply with the requirements of the law.
- d. ~~Not to seal~~ Sealing any affidavit envelope found open.
- e. ~~Not to discard~~ Discarding any return carrier envelopes, ballots, or affidavit envelopes returned by voters.

ITEM 34. Amend subrule 21.354(2) as follows:

21.354(2) Examination of affidavit envelope. The reviewer shall make sure that:

- a. and b. No change.
- c. The affidavit includes all of the following:
 - ~~(1) An address.~~
 - ~~(2) (1)~~ A signature.
 - ~~(3) (2)~~ For primary elections only, political party affiliation.

ITEM 35. Amend subrule 21.354(4) as follows:

21.354(4) Defective and deficient affidavits. The commissioner shall contact the voter if the reviewer finds any of the following flaws in the affidavit or affidavit envelope:

- a. The commissioner shall contact the voter immediately if the affidavit envelope is defective. An affidavit envelope is defective if:
 - (1) to (3) No change.
 - (4) The voter submits a change of address in a new precinct after returning a voted absentee ballot.
- b. The commissioner shall contact the voter within 24 hours if the affidavit is deficient. A deficient affidavit lacks:
 - (1) The signature of the voter.
 - ~~(2) The voter's address.~~
 - ~~(3) (2)~~ For primary elections only, political party affiliation.
- c. If an affidavit envelope has flaws that are included in both paragraphs "a" and "b," the commissioner shall follow the process in paragraph "a."

ITEM 36. Amend paragraph **21.354(5)"b"** as follows:

b. Defective ~~(improperly closed)~~ affidavit envelopes must be attached to the original application, replacement application and replacement ballot for review by the absentee and special voters precinct board.

ITEM 37. Amend rule 721—21.355(53) as follows:

721—21.355(53) Notice to voter. When the commissioner finds a deficiency in an absentee ballot affidavit or finds a defective ~~(improperly closed)~~ affidavit envelope, the commissioner shall notify the voter in writing and, if possible, by telephone ~~or~~ and by E-mail. The commissioner shall keep a separate checklist for each voter showing the reasons for which the voter was contacted and the methods used to contact the voter.

21.355(1) Notice to voter—deficient ballot affidavit. Within 24 hours after receipt of an absentee ballot with a deficient affidavit, the commissioner shall send a notice to the voter at the address where

the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include:

a. Reason for deficiency (lack of signature, ~~address~~ or, for primary elections only, political party affiliation).

b. The voter's options for correcting the affidavit as follows:

(1) Completing the affidavit at the commissioner's office by 5 p.m. the day before the election; ~~or~~

(2) Treating the affidavit as defective and completing the process of applying for a replacement ballot pursuant to Iowa Code section 53.18; or

~~(2)~~ (3) Casting a provisional ballot at the polls on election day.

c. Address of commissioner's office, business hours and contact information.

21.355(2) *Notice to voter—defective ballot affidavit.* Immediately after determining that an absentee ballot affidavit envelope ~~was not properly closed~~ is defective, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include the following information:

a. Reason for defect, ~~such as envelope not sealed, envelope opened and resealed, or the ballot was outside the affidavit envelope.~~

b. The voter's options for correcting the defect as follows:

(1) Applying for a replacement ballot; or

(2) Casting a provisional ballot at the polls on election day.

c. Process for applying for a replacement ballot.

d. Address of commissioner's office, business hours and contact information.

21.355(3) and **21.355(4)** No change.

Rules ~~721—21.351(53)~~ through ~~721—21.355(53)~~ are intended to implement Iowa Code ~~section sections 53.18 as amended by 2007 Iowa Acts, Senate File 601, section 229 and 53.25 as amended by 2009 Iowa Acts, House File 475.~~

ITEM 38. Amend rule 721—21.359(53) as follows:

721—21.359(53) Processing absentee ballots before election day. ~~Only when the voters have been provided with secrecy envelopes may the commissioner direct the special precinct board to open affidavit envelopes on the day before election day.~~ The commissioner may only direct the absentee and special voters precinct board to open affidavit envelopes on the Monday before election day under the following circumstances:

For any election, only if the commissioner has provided secrecy envelopes (or folders) pursuant to subrule 21.359(1) and the commissioner determines removing secrecy envelopes from affidavit envelopes is necessary due to the quantity of voted absentee ballots received as set forth in Iowa Code section 53.23, subsection 3, paragraph "a."

For general elections, if the commissioner convenes the absentee and special voters precinct board pursuant to Iowa Code section 53.23, subsection 3, paragraph "c," to begin tabulation of absentee ballots.

21.359(1) The secrecy envelope shall ~~be closed on at least two sides and shall~~ completely cover the ballot. The envelope shall have the following message printed on it using at least 24-point type:

<p style="text-align: center;">Secrecy Envelope After you vote, put your ballot in here.</p>

21.359(2) ~~The special precinct~~ When the absentee and special voters precinct board convenes to begin processing absentee ballots, the board shall first review voters' affidavits ~~and applications~~ to determine which ballots will be accepted for counting and prepare the notices to those voters whose ballots have been rejected for the reasons set forth in Iowa Code section 53.31. ~~The affidavit~~ Affidavit envelopes containing ballots that ~~will not be counted and the~~ are rejected shall be stored in the manner

prescribed by Iowa Code section 53.26. The applications submitted for ~~those rejected~~ ballots shall be stored in a secure location for the time period required by Iowa Code section 50.12.

21.359(3) The affidavit envelopes containing ~~the ballots that will be counted~~ have been accepted for counting by the absentee and special voters precinct board shall be stacked with the affidavits facing down. The envelopes shall be opened and the secrecy envelope containing the ballot shall be removed. ~~The affidavit envelope and application shall be stored together.~~

21.359(4) If a voter has not enclosed the ballot in a secrecy envelope and the ballot has not been folded in a manner that conceals all votes marked on the ballot, the officials shall put the ballot in a secrecy envelope without examining the ballot. ~~Two of the special precinct election officials, one from each of the political parties referred to in Iowa Code section 49.13(2), shall sign the secrecy envelope.~~

21.359(5) The following security procedures shall be followed:

a. The process shall be witnessed by observers appointed by the county chairperson of each of the political parties referred to in Iowa Code section 49.13, subsection 2. If, after receiving notice from the commissioner pursuant to Iowa Code section 53.23, subsection 3, paragraph "a," either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

b. No ballots shall be counted or examined before election day except as provided in Iowa Code section 53.23, subsection 3, paragraph "c," as amended by 2009 Iowa Acts, House File 670, section 1.

c. ~~The~~ When secrecy envelopes are removed from affidavit envelopes on the day before an election and not tabulated as permitted by Iowa Code section 53.23, subsection 3, paragraph "c," as amended by 2009 Iowa Acts, House File 670, section 1, the number of secrecy envelopes shall be recorded before the ballots are stored and the number shall be verified before any ballots are removed from the secrecy envelopes on election day. The ballots may be bundled and sealed in groups of a specified number to make counting easier.

~~This rule is intended to implement 1997 Iowa Acts, House File 636, section 73~~ Iowa Code section 53.23 as amended by 2009 Iowa Acts, House File 670.

ITEM 39. Amend rule 721—21.360(53) as follows:

721—21.360(53) Failure to affix postmark date. For any absentee ballot referred to in Iowa Code section 53.17, if the officially authorized postal service fails to affix a postmark date on the return carrier envelope, or the postmark date is illegible, but the date ~~of the~~ written on the voter's affidavit envelope is a date no later than the day prior to the election, the ballot shall be counted as provided in Iowa Code section 53.17. If no date can be read on either the return carrier envelope or the affidavit envelope, the affidavit envelope shall not be opened, and the ballot shall be rejected as provided in Iowa Code section 53.25 as amended by 2009 Iowa Acts, House File 475.

This rule is intended to implement Iowa Code section 53.17 and section 53.25 as amended by 2009 Iowa Acts, House File 475.

ITEM 40. Amend rule 721—21.361(53) as follows:

721—21.361(53) Rejection of absentee ballot. ~~The special precinct election~~ absentee and special voters precinct board shall reject absentee ballots without opening the affidavit envelope if any of the conditions cited ~~below~~ in Iowa Code section 53.25 as amended by 2009 Iowa Acts, House File 475, exist.

21.361(1) An absentee ballot shall be rejected if ~~the absentee voter's affidavit is insufficient. An insufficient affidavit lacks one or more of the following:~~ the affidavit lacks the voter's signature.

a. ~~The signature of the voter;~~

b. ~~The voter's address;~~

c. ~~In primary elections only, the political party affiliation of the voter.~~

21.361(2) An absentee ballot shall be rejected if the applicant is not a duly registered voter in the precinct in which the ballot is cast. "Precinct" means a precinct established pursuant to Iowa Code sections 49.3 through 49.5- or a consolidated precinct established by the commissioner pursuant to Iowa Code section 49.11, subsection 3, paragraph "a."

21.361(3) and 21.361(4) No change.

21.361(5) An absentee ballot shall be rejected if the affidavit envelope contains more than one ballot of any kind. ~~This includes all ballots contained in the affidavit envelope, whether or not they are enclosed in secrecy envelopes.~~

21.361(6) An absentee ballot shall be rejected if the voter has voted in person at the polls.

21.361(7) An absentee ballot shall be rejected if in primary elections ~~the political party declared on the affidavit envelope is different from the political party whose ballot was requested on the application for the ballot~~ the voter does not declare a party affiliation on the voter's affidavit.

~~**21.361(8)** Rescinded IAB 9/26/07, effective 9/7/07.~~

This rule is intended to implement Iowa Code sections ~~43.38, 49.9 and 53.14~~ and section 53.25 ~~as amended by 2009 Iowa Acts, House File 475.~~

ITEM 41. Amend rule 721—21.800(422B) as follows:

721—21.800(~~422B~~ 423B) Local sales and services tax elections.

21.800(1) Petitions requesting imposition, rate change, use change, or repeal of local sales and services taxes shall be filed with the county board of supervisors.

~~a. — The petition shall be signed by eligible electors equal in number to at least 5 percent of the persons in the whole county who voted at the last preceding state general election. Each petition shall include:~~

~~(1) — A statement in substantially the following form: We the undersigned eligible electors of _____ County hereby request imposition of a local sales and services tax.~~

~~(2) — Each person signing the petition shall add the person's address (including street number, if any) and the date that the person signed the petition.~~

a. Each person signing the petition shall include the person's address (including street number, if any) and the date that the person signed the petition.

b. Within 30 days after receipt of the petition, the supervisors shall provide written notice to the county commissioner of elections directing that an election be held to present to the voters of the entire county the question of imposition, rate change, use change, or repeal of a local sales and services tax. In the notice the supervisors shall ~~propose a specific date for~~ include the date of the election.

c. The ~~proposed election date~~ election shall be ~~at least 75~~ held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph "c," but no sooner than 84 days, but not more than 90 days, after the date upon which notice is given to the commissioner. The local option tax election may be held in conjunction with a state general election, or at a special election held at any time other than the time of a city regular election. However, if the date proposed by the supervisors conflicts with another scheduled election as defined in Iowa Code section 47.6(2), the commissioner shall notify the supervisors of this fact. ~~The supervisors shall propose another date for the special election within 7 days of receiving notice from the commissioner.~~

21.800(2) As an alternative to the method of initiating a local option tax election described in subrule ~~21.4(1)~~ 21.800(1), governing bodies of cities and the county may initiate a local option tax election by filing motions with the county auditor pursuant to Iowa Code section ~~422B.1(3)~~ "b," 423B.1, subsection 4, paragraph "b," requesting submission of a local option tax imposition, rate change, use change, or repeal to the qualified electors. Within 30 days of receiving a sufficient number of motions, the county commissioner shall, ~~in consultation with the governing bodies of the cities and with the board of supervisors, set a date for the local option tax election~~ notify affected jurisdictions of the local option tax election date. The election shall be held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph "c," but no sooner than 84 days ~~nor later than 120 days~~ after the date upon which the commissioner received the motion triggering the election. ~~If this would result in the special election being held at a time of a conflicting election as defined by Iowa Code section 47.6 or on a date upon which special elections are forbidden to be held by Iowa Code section 39.2(1), the election may be held on a date as close as possible to the required time period.~~

21.800(3) Notice of local sales and services tax election.

a. No change.

b. The city councils and the supervisors shall provide to the county commissioner the following information to be included in the notice and on the ballots for imposition elections:

(1) to (4) No change.

c. The information to be included in the notice shall be provided to the commissioner by the city councils of each city in the county not later than 67 days before the date of the election. If a jurisdiction fails to provide the information in subparagraphs 21.800(3) "b"(1), 21.4(3) "b"(3), 21.800(3) "b"(3), and 21.4(3) "b"(4) 21.800(3) "b"(4) above, the following information shall be substituted in the notice and on the ballot:

(1) One percent (1%) for the rate of the tax.

~~(1) (2)~~ Zero percent (0%) for property tax relief.

~~(2) (3)~~ The specific purpose for which the revenues will otherwise be expended is: Any lawful purpose of the city (or county).

d. The notice of election provided for in Iowa Code section 49.53 as amended by 2009 Iowa Acts, House File 475, shall also be published at the time and in the manner specified in that section.

~~21.800(4) Definitions.~~

~~"Abstract of ballot" means abstract of votes.~~

This rule is intended to implement Iowa Code ~~sections 422B.1 and 422B.9~~ section 423B.1.

ITEM 42. Amend rule 721—21.801(422B) as follows:

721—21.801(422B 423B) Form of ballot for local option tax elections. If questions pertaining to more than one of the authorized local option taxes are submitted at a single election, all of the public measures shall be printed on the same ballot. The form of ballots to be used throughout the state of Iowa for the purpose of submitting questions pertaining to local option taxes shall be as follows:

21.801(1) Local sales and services tax propositions. Sales and services tax propositions shall be submitted to the voters of an entire county. If the election is being held for the voters to decide whether to impose the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of imposition shall be voted upon in all parts of the county where the tax has not been approved. If the election is being held for the voters to decide whether to repeal the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of repeal shall be voted upon in all parts of the county where the tax was previously imposed. If the election is being held for the voters to decide whether to change the rate or use of the tax in a county where a local option sales and services tax has previously been approved for part of the county, the question of rate or use change shall be voted upon in all parts of the county where the tax was previously imposed.

The ballot submitted to the voters of each incorporated area and the unincorporated area of the county shall show the intended uses for that jurisdiction. The ballot submitted to the voters in contiguous cities within a county shall show the intended uses and repeal dates, if not uniform, for each of the contiguous cities. The ballots shall be in substantially the following form:

a. Imposition question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the [city of _____] [unincorporated area of the county of _____], at the rate of _____ percent (_____ %) to be effective on _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand~~

~~side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the [city of _____]
[unincorporated area of the county of _____] at the rate of _____ percent
(_____ %) to be effective on _____ (month and day), _____ (year).

Revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[_____ for property tax relief (insert percentage or dollar amount)]

[_____ for property tax relief (insert percentage or dollar amount) in the
unincorporated area of the county of _____]

[_____ for property tax relief (insert percentage or dollar amount) in the
county of _____]

The specific purpose (or purposes) for which the revenues shall otherwise be
expended is (are):

(List specific purpose or purposes)

b. Imposition question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the cities of
_____, _____, _____, (list additional cities, if applicable) at
the rate of _____ percent (_____ %) to be effective on _____ (month and day),
_____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately
below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand
side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using
special paper ballots which are read by computerized tabulating equipment may summarize the question
on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009
Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the cities of _____,
_____, _____, (list additional cities, if applicable) at the rate of _____
percent (_____ %) to be effective on _____ (month and day), _____ (year).

Revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be
expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

c. Imposition question with an automatic repeal date for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the [city of _____] [unincorporated area of the county of _____], at the rate of _____ percent (_____ %) to be effective from _____ (month and day), _____ (year), until _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the [city of _____] [unincorporated area of the county of _____] at the rate of _____ percent (_____ %) to be effective from _____ (month and day), _____ (year), until _____ (month and day), _____ (year).

Revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[_____] for property tax relief (insert percentage or dollar amount)

[_____] for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of _____

[_____] for property tax relief (insert percentage or dollar amount) in the county of _____

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

d. Imposition question with an automatic repeal date for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize imposition of a local sales and services tax in the cities of _____, _____, _____, (list additional cities, if applicable) at the rate of _____ percent (_____ %) to be effective from _____ (month and day), _____ (year), until _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

A local sales and services tax shall be imposed in the cities of _____, _____, _____, (list additional cities, if applicable) at the rate of _____ percent (_____ %) to be effective from _____ (month and day), _____ (year), until _____ (month and day), _____ (year).

Revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

e. Repeal question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize repeal of the _____ percent (_____ %) local sales and services tax in the [city of _____] [unincorporated area of the county of _____] effective _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question

on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The _____ percent (_____%) local sales and services tax shall be repealed in the [city of _____] [unincorporated area of the county of _____] effective _____ (month and day), _____ (year).

Revenues from the sales and services tax have been allocated as follows:

(Choose one or more of the following:)

[_____ for property tax relief (insert percentage or dollar amount)]

[_____ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of _____]

[_____ for property tax relief (insert percentage or dollar amount) in the county of _____]

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

f. Repeal question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize repeal of the _____ percent (_____%) local sales and services tax in the cities of _____, _____, _____, (list additional cities, if applicable) effective _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The _____ percent (_____%) local sales and services tax shall be repealed in the cities of _____, _____, _____, (list additional cities, if applicable) effective _____ (month and day), _____ (year).

Revenues from the sales and services tax have been allocated as follows:

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

FOR THE CITY OF _____:

_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues were otherwise expended was (were):

(List specific purpose or purposes)

- g. Rate change question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize an increase (or decrease) in the rate of the local sales and services tax to _____ percent (_____%) in the [city of _____] [unincorporated area of the county of _____] effective _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25~~. Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The rate of the local sales and services tax shall be increased (or decreased) to _____ percent (_____%) in the [city of _____] [unincorporated area of the county of _____] effective _____ (month and day), _____ (year). The current rate is _____ percent (_____%).

Revenues from the sales and services tax are allocated as follows:

(Choose one or more of the following:)

[_____ for property tax relief (insert percentage or dollar amount)]

[_____ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of _____]

[_____ for property tax relief (insert percentage or dollar amount) in the county of _____]

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

- h. Rate change question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize an increase (or decrease) in the rate of the local sales and services tax to _____ percent (_____%) in the cities of _____, _____, _____, (list additional cities, if applicable) effective _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The rate of the local sales and services tax shall be increased (or decreased) to _____ percent (_____ %) in the cities of _____, _____, _____,
(list additional cities, if applicable) effective _____ (month and day), _____
(year).

Revenues from the sales and services tax are allocated as follows:

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended
is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended
is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended
is (are):

(List specific purpose or purposes)

- i. Use change question for voters in a single city or the unincorporated area of the county:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? YES ☐
NO ☐

Summary: To authorize a change in the use of the _____ percent (_____ %) local
sales and services tax in the [city of _____] [unincorporated area of the
county of _____] effective _____ (month and day), _____
(year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The use of the _____ percent (_____%) local sales and services tax shall be changed in the [city of _____] [unincorporated area of the county of _____] effective _____ (month and day), _____ (year).

PROPOSED USES OF THE TAX:

If the change is approved, revenues from the sales and services tax shall be allocated as follows:

(Choose one or more of the following:)

[_____ for property tax relief (insert percentage or dollar amount)]

[_____ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of _____]

[_____ for property tax relief (insert percentage or dollar amount) in the county of _____]

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

CURRENT USES OF THE TAX:

Revenues from the sales and services tax are currently allocated as follows:

(Choose one or more of the following:)

[_____ for property tax relief (insert percentage or dollar amount)]

[_____ for property tax relief (insert percentage or dollar amount) in the unincorporated area of the county of _____]

[_____ for property tax relief (insert percentage or dollar amount) in the county of _____]

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

j. Use change question for voters in contiguous cities:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize a change in the use of the _____ percent (_____%) local sales and services tax in the cities of _____, _____, _____, (list additional cities, if applicable) effective _____ (month and day), _____ (year).

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using special paper ballots which are read by computerized tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The use of the _____ percent (_____%) local sales and services tax shall be changed in the cities of _____, _____, _____, (list additional cities, if applicable) effective _____ (month and day), _____ (year).

PROPOSED USES OF THE TAX:

If the change is approved, revenues from the sales and services tax are to be allocated as follows:

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues shall otherwise be expended is (are):

(List specific purpose or purposes)

CURRENT USES OF THE TAX:

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

FOR THE CITY OF _____:
_____ for property tax relief (insert percentage or dollar amount)

The specific purpose (or purposes) for which the revenues are otherwise expended is (are):

(List specific purpose or purposes)

k. No change.

21.801(2) For a local vehicle tax:

(Insert letter to be assigned by the commissioner)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

YES ☐

NO ☐

Summary: To authorize the county of (insert name of county) to impose a local vehicle tax at the rate of _____ dollars (\$ _____) per vehicle and to exempt the following classes from the tax:

The revenues are to be expended as set forth in the text of the public measure.

(Insert in substantially the following form the entire text of the proposed public measure immediately below the summary on all paper ballots as provided in Iowa Code section 49.45, ~~or place on the left hand side inside the curtain of each voting machine as provided in Iowa Code section 52.25.~~ Counties using optical scan ballots which are read by automatic tabulating equipment may summarize the question on the ballot and post the complete text as provided in Iowa Code section 52.25 as amended by 2009 Iowa Acts, House File 475.)

The county of _____, Iowa shall be authorized to impose a local vehicle tax at the rate of _____ dollars (\$ _____) per vehicle and to exempt the following classes of vehicles from the tax:

(insert percentage or dollar amount) of the revenues is/are to be used for property tax relief.

The balance of the revenues is to be expended for:

(List purposes for which remaining revenues will be used)

ITEM 43. Amend rule 721—21.802(422B) as follows:

721—21.802(422B 423B) Local vehicle tax elections.

21.802(1) Petitions requesting imposition of local vehicle taxes shall be filed with the county board of supervisors.

~~a. —The petition shall be signed by eligible electors equal in number to at least 5 percent of the persons in the whole county who voted at the last preceding state general election. Each petition shall include:~~

~~(1) —A statement in substantially the following form: We the undersigned eligible electors of _____ County hereby request imposition of a local vehicle tax at a rate of _____ dollar(s) per vehicle with the following classes (if any) to be exempt: _____.~~

~~(2) —Each person signing the petition shall add the person's address (including street numbers, if any) and the date that the person signed the petition.~~

~~a. Each person signing the petition shall add the person's address (including street number, if any) and the date that the person signed the petition.~~

~~b. Within 30 days after receipt of the petition, the supervisors shall provide written notice to the county commissioner of elections directing that an election be held to present to the voters of the entire county the question of imposition of a local vehicle tax. In the notice the supervisors shall propose a specific date for~~ include the date of the election.

~~c. The proposed election date~~ election shall be at least 75 held on the first possible special election date for counties set forth in Iowa Code section 39.2, subsection 4, paragraph "c," but no sooner than 84 days, but not more than 90 days, after the date upon which notice is given to the commissioner. The local option tax election may be held in conjunction with a state general election, or at a special election held at any time other than the time of a city regular election. However, if the date proposed by the supervisors conflicts with another scheduled election as defined in Iowa Code section 47.6(2), the commissioner shall notify the supervisors of this fact. The supervisors shall propose another date for the special election within 7 days of receiving notice from the commissioner.

21.802(2) Notice of local vehicle tax election. Not less than 60 days before the date that a local vehicle tax election will be held, the county commissioner of elections shall publish notice of the ballot proposition. The notice does not need to include a sample ballot, but shall include all of the information that will appear on the ballot. The notice of election provided for in Iowa Code section 49.53 as amended by 2009 Iowa Acts, House File 475, shall also be published at the time and in the manner specified in that section.

ITEM 44. Rescind subrule 21.820(1) and adopt the following **new** subrule in lieu thereof:

21.820(1) Petitions requesting elections to approve or disapprove the conduct of gambling games on an excursion gambling boat or at a gambling structure shall be filed with the county board of supervisors and shall be substantially in the form posted on the state commissioner's Web site titled "Petition Requesting Special Election."

a. Within 10 days after receipt of a valid petition, the supervisors shall provide written notice to the county commissioner of elections directing the commissioner to submit to the qualified electors of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat or at a gambling structure in the county. The election shall be held on the next possible special election date pursuant to Iowa Code section 39.2, subsection 4, paragraph "a," but no fewer than 46 days from the date notice is given to the county commissioner.

b. If a regularly scheduled or special election is to be held in the county on the date selected by the supervisors, notice shall be given to the commissioner no later than the last day upon which nomination papers may be filed for that election. If the excursion gambling boat or the gambling structure election is to be held with a local option tax election, the supervisors shall provide the commissioner at least 60 days' written notice. Otherwise, the supervisors shall give at least 46 days' written notice.

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